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9 Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. CR 07-0645 MMC
14 Plaintiff,) MOTION FOR AN EXTENSION OF TIME IN
15 v.) WHICH TO FILE AN OPPOSITION TO
16 LUIS CUEVAS-MEDINA,) DEFENDANT'S MOTION TO VACATE, SET
17 Defendant.) ASIDE OR CORRECT SENTENCE AND
18) [PROPOSED] ORDER

19
20 I. INTRODUCTION

21 On November 4, 2010, the defendant, Luis Cuevas-Medina, filed a *pro se* motion under
22 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. On December 20, 2010, this Court
23 Ordered the government to respond no later than January 31, 2010.¹ Counsel for the United
24 States, AUSA Barbara Silano, was on leave intermittently in December and must have
25 inadvertently overlooked the Court's Order amidst the electronic filings. The defendant is one of
26 twenty-three other defendants in the same electronic docket. On February 28, 2011, the

27
28 ¹The United States understands that the Court intended that the response be filed no later
than January 31, 2011.

1 defendant filed a Reply to the Court Ordered Government Response. It was only on March 9,
2 2011, upon review of the defendant's reply that counsel for the United States realized that the
3 Court had Ordered the government to respond.

4 In order to prepare an effective response demonstrating that the defendant's current
5 claims that his counsel was ineffective are inconsistent with the statements he made under oath at
6 his change of plea hearing, the United States will need to order a copy of the transcript for
7 defendant's change of plea colloquy. Because the government in good faith did not realize that a
8 response had been Ordered, and because a court reporter's transcript is necessary in order to
9 respond, the United States respectfully requests that the Court extend the time for a government
10 response until April 11, 2011.

11 WHEREFORE, the United States respectfully requests that the Court Order that the
12 government respond to defendant's motion on or before April 11, 2011.

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14 March 10, 2011 Respectfully Submitted,

15 MELINDA HAAG
16 United States Attorney

17 /s/
18 BARBARA BRENNAN SILANO
19 Assistant United States Attorney

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 07-0645 MMC
Plaintiff,) [REDACTED] ORDER
v.)
LUIS CUEVAS-MEDINA,)
Defendant.)

Before the Court is the government's motion, filed March 10, 2011, for an extension of time in which to respond to defendant's motion to vacate, set aside, or correct his sentence. No opposition to the government's motion has been filed.

Good cause appearing, it is hereby ORDERED that the government's motion for an extension of time in which to ~~response~~^{respond} is granted. The United States shall file its opposition no later than April 11, 2011. The defendant shall file a reply, if any, May 11, 2011. As of May 11, or the date on which defendant files a reply, whichever is earlier, the Court will take the matter under submission.

DATED: March 22, 2011

Maxine M. Chesney
HON. MAXINE M. CHESNEY
United States District Court Judge

CERTIFICATE OF SERVICE

UNITED STATES v. LUIS CUEVAS-MEDINA

CR 07-00645 MMC

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

Motion for an Extension of Time in Which to File an Opposition to Defendant's Motion to Vacate, Set Aside or Correct Sentence and [Proposed] Order

to be served this date on the party(ies) in this action,

Luis Manuel Cuevas-Medina
#12059-111
Adams County Correctional
P.O. Box 1600
Washington, MS 39190

____(By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.

____(By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

X (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

(By Fed Ex). I caused such envelope to be delivered by FED EX to the address listed above.

____(By Messenger), I caused each such envelope to be delivered by Messenger to the address listed above

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: March 10, 2011

/s/
Jacquelyn Lovrin
Legal Assistant